

1 Box 1 - JGR/Abortion (1) - Roberts, John G.: Files SERIES I:
Subject File

**WHITE HOUSE
CORRESPONDENCE TRACKING WORKSHEET**

- O - OUTGOING
 H - INTERNAL
 I - INCOMING
 Date Correspondence Received (YY/MM/DD) 1/1

Name of Correspondent: Richard G. Haasen

MI Mail Report

User Codes: (A) _____ (B) _____ (C) _____

Subject: Declarative R-ferral re Wright

to Pde

ROUTE TO:

ACTION

DISPOSITION

Office/Agency	(Staff Name)	Action Code	Tracking Date YY/MM/DD	Type of Response	Completion Date YY/MM/DD
	<u>C Holland</u>	ORIGINATOR	<u>82102102</u>		<u>1/1</u>
	<u>CWATOZ</u>	Referral Note:	<u>D</u> <u>82102102</u>		<u>5/21/3104</u>
		Referral Note:	<u>1/1</u>		<u>1/1</u>
		Referral Note:	<u>1/1</u>		<u>1/1</u>
		Referral Note:	<u>1/1</u>		<u>1/1</u>
		Referral Note:	<u>1/1</u>		<u>1/1</u>

ACTION CODES:

- A - Appropriate Action
 C - Comment/Recommendation
 D - Draft Response
 F - Furnish Fact Sheet
 to be used as Enclosure

- I - Info Copy Only/No Action Necessary
 R - Direct Reply w/Copy
 S - For Signature
 X - Interim Reply

DISPOSITION CODES:

- A - Answered
 B - Non-Special Referral
 C - Completed
 S - Suspended

FOR OUTGOING CORRESPONDENCE:

Type of Response = Initials of Signer
 Code = "A"
 Completion Date = Date of Outgoing

Comments: _____

Keep this worksheet attached to the original incoming letter.
 Send all routing updates to Central Reference (Room 75, OEOB).
 Always return completed correspondence record to Central Files.
 Refer questions about the correspondence tracking system to Central Reference, ext. 2590.

WHITE HOUSE STAFFING MEMORANDUM

DATE: 2/2/82ACTION/CONCURRENCE/COMMENT DUE BY: c.o.b. February 4SUBJECT: LEGISLATIVE REFERRAL RE RIGHT TO LIFE

	ACTION	FYI		ACTION	FYI
VICE PRESIDENT	<input type="checkbox"/>	<input type="checkbox"/>	GERGEN	<input checked="" type="checkbox"/>	<input type="checkbox"/>
MEESE	<input type="checkbox"/>	<input type="checkbox"/>	HARPER	<input type="checkbox"/>	<input type="checkbox"/>
BAKER	<input type="checkbox"/>	<input checked="" type="checkbox"/>	JAMES	<input type="checkbox"/>	<input type="checkbox"/>
DEAVER	<input type="checkbox"/>	<input checked="" type="checkbox"/>	JENKINS	<input type="checkbox"/>	<input type="checkbox"/>
STOCKMAN	<input type="checkbox"/>	<input type="checkbox"/>	MURPHY	<input checked="" type="checkbox"/>	<input type="checkbox"/>
ANDERSON	<input checked="" type="checkbox"/>	<input type="checkbox"/>	ROLLINS	<input checked="" type="checkbox"/>	<input type="checkbox"/>
CANZERI	<input type="checkbox"/>	<input type="checkbox"/>	WILLIAMSON	<input checked="" type="checkbox"/>	<input type="checkbox"/>
CLARK	<input type="checkbox"/>	<input type="checkbox"/>	WEIDENBAUM	<input type="checkbox"/>	<input type="checkbox"/>
DARMAN	<input type="checkbox"/> P	<input checked="" type="checkbox"/> SS	BRADY/SPEAKES	<input type="checkbox"/>	<input type="checkbox"/>
DOLE	<input checked="" type="checkbox"/>	<input type="checkbox"/>	ROGERS	<input type="checkbox"/>	<input type="checkbox"/>
DUBERSTEIN	<input checked="" type="checkbox"/>	<input type="checkbox"/>	_____	<input type="checkbox"/>	<input type="checkbox"/>
FIELDING	<input checked="" type="checkbox"/>	<input type="checkbox"/>	_____	<input type="checkbox"/>	<input type="checkbox"/>
FULLER	<input type="checkbox"/>	<input type="checkbox"/>	_____	<input type="checkbox"/>	<input type="checkbox"/>

Remarks:

May we have your comments by c.o.b. Thursday, February 4. Thank you.

Richard G. Darman
 Assistant to the President
 and
 Deputy to the Chief of Staff
 (x-2702)

THE WHITE HOUSE

WASHINGTON

CABINET AFFAIRS STAFFING MEMORANDUM

DATE: February 2, 1982 NUMBER: 044262CADUE BY: February 4, 1982SUBJECT: Legislative Referral Re: Right to Life

ACTION	FYI	ACTION	FYI
ALL CABINET MEMBERS	<input type="checkbox"/>	<input type="checkbox"/>	
Vice President	<input type="checkbox"/>	<input type="checkbox"/>	
State	<input type="checkbox"/>	<input type="checkbox"/>	
Treasury	<input type="checkbox"/>	<input type="checkbox"/>	
Defense	<input type="checkbox"/>	<input type="checkbox"/>	
Attorney General	<input type="checkbox"/>	<input type="checkbox"/>	
Interior	<input type="checkbox"/>	<input type="checkbox"/>	
Agriculture	<input type="checkbox"/>	<input type="checkbox"/>	
Commerce	<input type="checkbox"/>	<input type="checkbox"/>	
Labor	<input type="checkbox"/>	<input type="checkbox"/>	
HHS	<input type="checkbox"/>	<input type="checkbox"/>	
HUD	<input type="checkbox"/>	<input type="checkbox"/>	
Transportation	<input type="checkbox"/>	<input type="checkbox"/>	
Energy	<input type="checkbox"/>	<input type="checkbox"/>	
Education	<input type="checkbox"/>	<input type="checkbox"/>	
Counsellor	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
OMB	<input type="checkbox"/>	<input type="checkbox"/>	
CIA	<input type="checkbox"/>	<input type="checkbox"/>	
UN	<input type="checkbox"/>	<input type="checkbox"/>	
USTR	<input type="checkbox"/>	<input type="checkbox"/>	
CEA	<input type="checkbox"/>	<input type="checkbox"/>	
CEQ	<input type="checkbox"/>	<input type="checkbox"/>	
OSTP	<input type="checkbox"/>	<input type="checkbox"/>	
CCNRE/Boggs	<input type="checkbox"/>	<input type="checkbox"/>	
CCHR/Carleson	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
CCCT/Kass	<input type="checkbox"/>	<input type="checkbox"/>	
CCFA/McClaughry	<input type="checkbox"/>	<input type="checkbox"/>	
CCEA/Porter	<input type="checkbox"/>	<input type="checkbox"/>	

REMARKS: Please advise us of any policy considerations ASAP.

RETURN TO:

Craig L. Fuller
 Assistant to the President
 for Cabinet Affairs
 456-2823



EXECUTIVE OFFICE OF THE PRESIDENT

OFFICE OF MANAGEMENT AND BUDGET

WASHINGTON, D.C. 20503

Jan 22, 1982

LEGISLATIVE REFERRAL MEMORANDUM

TO: Legislative Liaison Officer

Department of Health and Human Services

SUBJECT: Department of Justice proposed report on
S. J. Res. 19, a proposed amendment to the
Constitution guaranteeing the right to life.Please also provide your views on Justice's
proposed reports on:S.J. Res. 17 (see LR Referral Memo of 10-30-81).
S.J. Res. 18 (see LR Referral Memo of 10-30-81).
S.J. Res. 110 (see LR Referral Memo of 11-16-81).

The Office of Management and Budget requests the views of
your agency on the above subject before advising on its
relationship to the program of the President, in accordance
with OMB Circular A-19.

A response to this request for your views is needed
no later than Friday, February 5, 1982.

Questions should be referred to Bob Pellicci
(395-4702) or to -----, -----,
the legislative analyst in this office.

(Signed) Naomi R. Sweeney
Naomi R. Sweeney for
Assistant Director for
Legislative Reference

Enclosures

cc: ✓Craig Fuller
Mike Uhlmann
Mike Horowitz
Don Moran
Emily Rock
Lynn Etheredge



U.S. Department of Justice
Office of Legislative Affairs

Office of the Assistant Attorney General

Washington, D.C. 20530

Honorable Strom Thurmond
Chairman
Committee on the Judiciary
United States Senate
Washington, D. C. 20510

Dear Mr. Chairman:

This is in response to your request for the views of the Department of Justice on S. J. Res. 19, proposing an amendment to the Constitution "guaranteeing the right to life". The resolution reads in full:

The paramount right to life is vested in each human being from the moment of fertilization without regard to age, health, or condition of dependency.

The resolution appears primarily designed to ban abortions. On the wisdom of Congressional adoption of a constitutional amendment to prohibit abortions, we defer to other agencies. However, we believe that S. J. Res. 19 is overly broad and a more narrowly drawn resolution could accomplish the stated purpose without the potentially significant consequences which might ensue from adoption of the language at issue. Comments concerning the probable legal effect of the resolution, and suggestions for clarification in the legislative history of certain ambiguities in the event the resolution is adopted by the Congress, follow.

(a) As noted, the resolution is apparently intended to preclude abortions. In stating that the right to life is vested in each human being from fertilization, the resolution implies that the fetus is a "human being," and therefore vested with the right to life, from the moment of conception. In providing that the right to life is "paramount," the resolution further implies that the unborn child's right to life should prevail against any countervailing interest of the mother. The only case involving abortion in which the resolution does not seem to provide a rule of decision is that in which an abortion is required to save the life of the mother. Since the mother also enjoys a "paramount right to life" under the resolution, the unborn child's interest would not necessarily prevail in this situation. The legislative history might well establish what procedures, if any, are to be permitted to save the mother's life.

(b) The resolution establishes a right, but does not state what parties bear the obligation. In this respect, the resolution is similar in concept to the Thirteenth Amendment, which outlaws slavery. The Thirteenth Amendment has been held to impose obligations on private parties as well as governmental entities; similarly, we assume that S. J. Res. 19, if proposed and ratified, would impose duties on governments and private parties alike. The resolution therefore prohibits not only state involvement with abortions, but also the private conduct of abortions. Abortions would become illegal throughout the nation in all situations except possibly those in which the mother's life is threatened.

(c) While it clearly outlaws abortion, the language of this particular resolution might impose certain other duties to protect the life of an unborn child. It could, for example, bar the use of birth control techniques such as the morning-after pill or the intrauterine device which kill the fertilized ovum after the technical moment of conception. It could prohibit the use of medical procedures designed to improve the mother's health (but not necessary to save her life) which create a foreseeable risk of death to the unborn child. It could create a federal remedy for medical malpractice or other wrongful conduct which kills the unborn child. And it could outlaw a variety of additional actions other than directly performing abortions which are a relatively direct cause of an abortion.

More generally, the rights created by the resolution are not limited to those enjoyed by the unborn child. The paramount right to life is vested in "each human being." Depending on the guidance provided by the legislative history, the resolution could have a relatively profound effect on the existing structure of state and federal law. For example, the resolution would probably prohibit murder and other varieties of homicide. While because of due process constraints it would not be read as imposing criminal penalties, it would probably create a civil cause of action for damages. Moreover, the resolution might be held to authorize the federal government to create a uniform federal homicide law by enacting implementing legislation. Arguably, such a law could preempt the homicide statutes now existing in the various states.

(d) The resolution could be held to prohibit merely negligent conduct causing the death of another human being. If so, it could authorize the creation of a federal common law of wrongful death. It is not inconceivable that a fatality arising out of an ordinary traffic accident could, upon the ratification of this proposed amendment, amount to a violation of the victim's constitutional rights giving rise to a cause of action in federal court for money damages.

(e) The resolution could also cast doubt on decisions in some states permitting the families of comatose patients to petition the court for an order terminating the use of life support systems. See Matter of Quinlan, 70 N.J. 10, 355 A.2d 642 (1976). Under ordinary principles of interpretation, constitutional rights may be waived by a knowing, conscious, and deliberate act. Since a comatose patient is unable to waive his right to life, it is uncertain whether the right could be waived by another in this circumstance.

(f) The resolution could generate serious constitutional questions as to the validity of capital punishment laws. It vests the right to life in "each human being," including, presumably, persons who have committed capital offenses, and states that the right to life shall be "paramount." If the right is paramount, it could be construed to prevail over any interests, such as deterrence or retribution, which the government might seek to vindicate through imposition of capital punishment.

(g) Finally, it is possible--although we believe unlikely--that the right to life recognized by the resolution could be held to include more than a right not to be killed by another. Read most broadly, the right to "life" might arguably encompass a certain minimum "quality" of life. If so, S. J. Res. 19, if proposed and ratified, could arguably impose a responsibility of uncertain scope on governments to assure that persons within their jurisdictions enjoy at least the minimum of material benefits necessary to live a relatively comfortable existence. While we believe that this argument would be weak, we would anticipate that it would be asserted. The legislative history should help to establish whether any protection of the quality of life is intended by S. J. Res. 19.

The foregoing discussion has suggested that the amendment proposed by S. J. Res. 19 could be read quite broadly. Our uncertainty as to the resolution's scope stems from its sweeping and open-ended terms. Congress could attempt to limit the meaning of these terms through legislative history, but this attempt would not necessarily be successful. Although arguments from history can be treacherous, it is worth noting the expansive meaning given to the open-ended terms of the Fourteenth Amendment despite historical evidence indicating that the Amendment was designed primarily or wholly to deal with problems of slavery and race relations. If, as seems likely, the purpose of S. J. Res. 19 is only to prohibit abortions, we suggest that a more narrowly drawn amendment might have the desired effect without potentially granting substantive new rights to persons who have already been born.

The Office of Management and Budget has advised that there is no objection to the submission of this report from the standpoint of the Administration's program.

Sincerely,

Robert A. McConnell
Assistant Attorney General

97TH CONGRESS
1ST SESSION

S. J. RES. 19

Proposing an amendment to the Constitution of the United States guaranteeing
the right of life.

IN THE SENATE OF THE UNITED STATES

JANUARY 22 (legislative day, JANUARY 5), 1981

Mr. HELMS introduced the following joint resolution; which was read twice and
referred to the Committee on the Judiciary

JOINT RESOLUTION

Proposing an amendment to the Constitution of the United
States guaranteeing the right of life.

- 1 *Resolved by the Senate and House of Representatives*
- 2 *of the United States of America in Congress assembled,*
- 3 *That the following article is proposed as an amendment to*
- 4 *the Constitution of the United States, which shall be valid to*
- 5 *all intents and purposes as a part of the Constitution only if*
- 6 *ratified by the legislatures of three-fourths of the several*
- 7 *States within seven years from the date of its submission by*
- 8 *the Congress:*

1

"ARTICLE XXVII

2 "The paramount right to life is vested in each human
3 being from the moment of fertilization without regard to age,
4 health, or condition of dependency.".



WHITE HOUSE
CORRESPONDENCE TRACKING WORKSHEET

O - OUTGOING

I - INTERNAL

I - INCOMING

Date Correspondence Received (YY/MM/DD)

WEO03

C O P Y

Name of Correspondent:

Philip B. Neeleman from ORM

MI Mail Report

User Codes: (A) _____ (B) _____ (C) _____

Subject:

Portable photo exhibit titled
"The American Holocaust"

ROUTE TO:

ACTION

DISPOSITION

Office/Agency	(Staff Name)	Action Code	Tracking Date YY/MM/DD	Type of Response	Completion Date YY/MM/DD
	WHolland	ORIGINATOR	8510118		C 85101128
	CWAT09	Referral Note:	8510118		C 85101128
	CWAT04	Referral Note:	445185 PJR MEMO TO HAUSER		
		5	8510128	RAH A	85101128
		Referral Note:			
		Referral Note:			
		Referral Note:			

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to be used as Enclosure

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- S - Suspended

FOR OUTGOING CORRESPONDENCE:

Type of Response = Initials of Signer
Code = "A"
Completion Date = Date of Outgoing

Comments: See : ID 240811CKL & 077132

JAN. 25, 1985 PJR MEMO TO Fielding ATTACHED

Keep this worksheet attached to the original incoming letter.

Send all routing updates to Central Reference (Room 75, OEOB).

Always return completed correspondence record to Central Files.

Refer questions about the correspondence tracking system to Central Reference, ext. 2590.

THE WHITE HOUSE

WASHINGTON

January 28, 1985

Dear Dr. Dreisbach:

This will acknowledge and respond to your recent letter to the President enclosing a copy of the anti-abortion photographic exhibit your organization wishes to display in Washington, D.C., and requesting an opportunity to show the exhibit to the President.

The President will be unable to accommodate this request for a personal meeting. In addition, we must protest the reproduction on this exhibit of the President's letter of May 5, 1982 and ask that your Association cease to use any reproduction of that letter either on this poster or in any of your literature.

As you know, the White House did not grant permission for this use of the President's letter. More generally, Presidential messages of this sort are not intended to be reproduced by their recipients for recruiting, promotional or fundraising or other extraneous purposes. Finally, as you were advised by Peter Rusthoven of our staff in his letter of August 13, 1984, the President, despite his frequently articulated personal opposition to abortion, cannot comment on matters pending before State courts -- something which the inclusion of this 1982 letter in your photographic exhibit suggests he is doing.

I will appreciate your prompt written assurance of intent to comply with the requests set forth above, and trust you can understand the reasons for those requests.

Sincerely,

Original signed by RAH

Richard A. Hauser
Deputy Counsel to the President

Philip B. Dreisbach, M.D.
Secretary-Treasurer
California Pro Life Medical Association
Post Office Box 99
Palm Springs, California 92263

RAH:PJR:ph 1/25/85

cc: RAHauser✓ PJRusthoven

Subject
Chron.

THE WHITE HOUSE

WASHINGTON

January 25, 1985

MEMORANDUM FOR RICHARD A. HAUSER

FROM: PETER J. RUSTHOVEN

SUBJECT: Letter from Philip Dreisbach about
Anti-Abortion Photographic Exhibit

Attached for your signature (in Mr. Fielding's absence from the office) is the response to Dr. Dreisbach's most recent letter.

The response has been revised to incorporate the phrase Fred wanted added to the last paragraph. When the letter has been signed, I will send an informational copy to Fred Ryan.

Attachment

THE WHITE HOUSE

WASHINGTON

January 25, 1985

Battis
Dear Dr. Dreisbach:

This will acknowledge and respond to your recent letter to the President enclosing a copy of the anti-abortion photographic exhibit your organization wishes to display in Washington, D.C., and requesting an opportunity to show the exhibit to the President.

The President will be unable to accommodate this request for a personal meeting. In addition, we must protest the reproduction on this exhibit of the President's letter of May 5, 1982 and ask that your Association cease to use any reproduction of that letter either on this poster or in any of your literature.

As you know, the White House did not grant permission for this use of the President's letter. More generally, Presidential messages of this sort are not intended to be reproduced by their recipients for recruiting, promotional or fundraising or other extraneous purposes. Finally, as you were advised by Peter Rusthoven of my staff in a letter dated August 13, 1984, the President, despite his frequently articulated personal opposition to abortion, cannot comment on matters pending before State courts -- something which the inclusion of this 1982 letter in your photographic exhibit suggests he is doing.

I will appreciate your prompt written assurance of intent to comply with the requests set forth above, *and trust you understand the reasons for the request.*

Sincerely,

Fred F. Fielding
Counsel to the President

Philip B. Dreisbach, M.D.
Secretary-Treasurer
California Pro Life Medical Association
Post Office Box 99
Palm Springs, California 92263

THE WHITE HOUSE

WASHINGTON

January 25, 1985

MEMORANDUM FOR FRED F. FIELDING

FROM: PETER J. RUSTHOVEN

SUBJECT: Letter from Philip Dreisbach about
Anti-Abortion Photographic Exhibit

Dr. Dreisbach, who is Secretary-Treasurer of the California Pro Life Medical Association, wrote the President in late December enclosing "a large portable photo exhibit that we hope to display in an appropriate place in Washington, D.C. in 1985," and asking permission to show him the exhibit.

The background of this matter involves the discovery of the undisposed remains of some 17,000 fetuses in California, for which Dreisbach's organization has been attempting to arrange formal burial and about which he wrote to the President in 1982. In reply, he received a very supportive Presidential dated May 5, 1982 (copy attached), which appears to have been drafted in Anne Higgins' office and autopenned. Our office had no knowledge of this earlier correspondence.

In 1984, Dreisbach again wrote the President, reporting that the attempt to arrange for burials was held up in litigation still pending in California State courts, and asking that Arlington National Cemetery be made available for the burials. This letter was referred to our office, and received the attached reply from me (discussed and reviewed with Dick).

The current "photo exhibit" features a reproduction of the President's 1982 letter surrounded by pictures of aborted fetuses. It is, to say the least, a gruesome presentation. Use of the President's letter in this fashion was certainly not authorized. In addition (and despite my personal views on abortion), I believe it inappropriate to have the President associated in quite so personal a way with this particular tact of pro-life supporters, particularly when (to the best of my knowledge) the "burial litigation" may still be pending.

Accordingly, attached for your review and signature is a reply to Dreisbach advising that the use of the President's letter on this poster is unauthorized and inappropriate, especially in light of the pendency of State court litigation.

Attachments

cc: Richard A. Hauser

Ryan

THE WHITE HOUSE
WASHINGTON

Date: 1/8/85

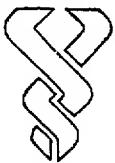
TO: *Dick Haas*
FROM: *FREDERICK J. RYAN, JR.*
Director
Presidential Appointments and
Scheduling

Per our discussion

$\overline{1} \rightarrow$ Dreisbach
May 5, 1982

285809 ca

CALIFORNIA PRO LIFE MEDICAL ASSOCIATION



Executive Director
Albert Lorincz, M.D.
Obstetrics/Gynecology
Los Gatos

President
Nancy T. Mullan, M.D.
Psychiatry
Burbank

Vice-President
Frank Hyatt, M.D.
Family Practice
San Jose

Secretary-Treasurer
Philip B. Dreisbach, M.D.
Oncology/Hematology
Palm Springs

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San Francisco
John Warburton, M.D.
Westminster
Leonie Watson, M.D.
Richard Watson, M.D.
San Francisco
Harry Weiss, M.D.
Vista

RECEIVED
3 1985
SCHEDULING
OFFICE

12-29-84

Dear President Reagan:

I have enclosed a documentary which contains a letter you sent us two years ago.

We have prepared a large portable photo exhibit that we hope to display in an appropriate public place in Washington, D.C. in 1985.

If your schedule permits, I would be honored to show you the exhibit while you are here in Palm Springs.

The 17,000 bodies of abortion victims have never been buried because the ACLU went to court to block the burial and ask for incineration. Los Angeles Supervisor, Mike Antonovich, a personal friend and soon-to-be Chairman of the California Republican Party, has been our most staunch assistant.

Sincerely,

Philip B. Dreisbach, MD.

Philip B. Dreisbach, M.D.
Secretary
Medical Association

Offices: 619-568-3613
619-327-5158

WHITE HOUSE
CORRESPONDENCE TRACKING WORKSHEET

PA 001

C O P Y
from ORM

O - OUTGOING

H - INTERNAL

I - INCOMING

Date Correspondence
Received (YY/MM/DD) 1/1

Name of Correspondent: Philip B. Dreibach, M.D.

MI Mail Report

User Codes: (A) _____ (B) _____ (C) _____

Subject: Requests use of Arlington Cemetery
for disposal of remains of unborn
infants

ROUTE TO:

ACTION

DISPOSITION

Office/Agency	(Staff Name)	Action Code	Tracking Date YY/MM/DD	Type of Response	Completion Date YY/MM/DD
	<u>Wit Holland</u>	ORIGINATOR	<u>9/1/07/10</u>		<u>9/1/10</u>
	<u>WAT09</u>	Referral Note: D	<u>9/1/07/10</u>	<u>BR</u>	<u>9/1/10</u>
		Referral Note: <u> </u>	<u> </u>	<u> </u>	<u> </u>
		Referral Note: <u> </u>	<u> </u>	<u> </u>	<u> </u>
		Referral Note: <u> </u>	<u> </u>	<u> </u>	<u> </u>
		Referral Note: <u> </u>	<u> </u>	<u> </u>	<u> </u>

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THE WHITE HOUSE

WASHINGTON

August 13, 1984

Dear Dr. Dreisbach:

This will acknowledge and respond to your recent letter to the President requesting that he make Arlington National Cemetery available for burial of the remains of 17,000 unborn infants, which the California Court of Appeals has recently ruled may not be buried.

The President has no legal authority to interfere with the decision of the State court in this matter, and any attempt to reverse that decision would have to proceed through the normal channels of judicial review. In addition, eligibility for interment in national cemeteries is governed by a Federal statute (38 U.S.C. § 1002), and is generally limited to those members of the Armed Forces and their dependants who meet the requirements specified in that law.

I can and do appreciate that this is matter of great importance to you and other members of the California Pro Life Medical Association. Though we cannot comment on pending State court proceedings, the President has, as I am sure you are aware, repeatedly stated his opposition to abortion on demand and his support for efforts to bring it to an end.

Sincerely,



Peter J. Rusthoven
Associate Counsel to the President

Philip B. Dreisbach, M.D.
Secretary-Treasurer
California Pro Life Medical Association
Post Office Box 99
Palm Springs, California 92263

Code of Federal Regulations

Advisory committee, see 38 CFR 1.801.

§ 1002. Persons eligible for interment in national cemeteries

Under such regulations as the Administrator may prescribe and subject to the provisions of section 3505 of this title, the remains of the following persons may be buried in any open national cemetery in the National Cemetery System:

(1) Any veteran (which for the purposes of this chapter includes a person who died in the active military, naval, or air service).

(2) Any member of a Reserve component of the Armed Forces, and any member of the Army National Guard or the Air National Guard, whose death occurs under honorable conditions while he is hospitalized or undergoing treatment, at the expense of the United States, for injury or disease contracted or incurred under honorable conditions while he is performing active duty for training, inactive duty training, or undergoing that hospitalization or treatment at the expense of the United States.

(3) Any member of the Reserve Officers' Training Corps of the Army, Navy, or Air Force whose death occurs under honorable conditions while he is—

(A) attending an authorized training camp or on an authorized practice cruise;

(B) performing authorized travel to or from that camp or cruise; or

(C) hospitalized or undergoing treatment, at the expense of the United States, for injury or disease contracted or incurred under honorable conditions while he is—

(i) attending that camp or on that cruise;

(ii) performing that travel; or

(iii) undergoing that hospitalization or treatment at the expense of the United States.

(4) Any citizen of the United States who, during any war in which the United States is or has been engaged, served in the armed forces of any government allied with the United States during that war, and whose last such service terminated honorably.

(5) The wife, husband, surviving spouse, minor child, and, in the discretion of the Administrator, unmarried adult child of any of the persons listed in paragraphs (1) through (4).

(6) Such other persons or classes of persons as may be designated by the Administrator.

Added Pub.L. 93-43, § 2(a), June 18, 1973, 87 Stat. 75.

Historical Note

Effective Date. Section effective June 18, 1973, see section 10(a) of Pub.L. 93-43. **Legislative History.** For legislative history and purpose of Pub.L. 93-43, see set out as a note under section 1000 of 1973 U.S.Code Cong. and Adm.News, p. 1401.

Code of Federal Regulations

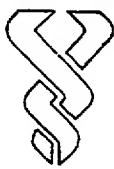
Eligible persons, see 38 CFR 1.820.



Fred Fielding

249811 ac

CALIFORNIA PRO LIFE MEDICAL ASSOCIATION



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Richard Watson, M.D.
San Francisco
Harry Weiss, M.D.
Vista

President Ronald Reagan
White House
Washington, D.C.

July 3, 1984

Dear Mr. President:

With tremendous disappointment we must report to you that the California Appeals Court in Los Angeles has refused us the opportunity to bury the 17,000 bodies of unborn infants found in the Weisberg cargo container in 1982.

We turn to you for urgent assistance.

As Commander in Chief, could you offer the use of the National Cemetery in Arlington, Virginia, for the proper disposal of these human remains? This would be well-received by the entire community which has been outraged at the thought that Los Angeles will become the Dachau ovens of the 80's. Keep in mind that the abortion lobby wants the bodies incinerated with the trash---not cremated in human dignity. Your offer would be readily welcomed by the County of Los Angeles and the District Attorney, Robert Philibosian.

We are prepared to assist you in this urgent matter. God bless and keep you.

Sincerely,

Philip B. Dreisbach, MD
Philip B. Dreisbach, M.D.
Secretary

PBD:ot

POST OFFICE BOX 99, PALM SPRINGS, CA 92263 / PHONE 619/327-5158

C O P Y 4900
May 5, 1982 WE003
from ORM

Dear Dr. Dreisbach:

I have received your letter and I want you to know of the great horror and sadness evoked by the incident you described. When all is said and done, being confronted with the reality of abortion and its consequences removes all trace of doubt and hesitation. The terrible irony about this sudden discovery is not that so many human lives were legally aborted, but that they are only a tiny proportion of the 1.5 million unborn children quietly destroyed in our nation each year. This is the truth many would rather not face.

Your decision to hold a memorial service for these children is most fitting and proper. On such an occasion, we must strengthen our resolve to end this national tragedy. I am hopeful that evidence like that found in California will move those who have thus far preferred silence or inaction and encourage them to agree that something must be done. I have expressed my anticipation that Congress act expeditiously on this matter and approve a measure which will remove this evil, and all its vestiges, from our society.

Thank you for writing, and may God bless you in all your efforts.

Sincerely,

RONALD REAGAN A

* Philip B. Dreisbach, M.D.

Secretary

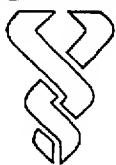
* California Pro Life Medical Association
Post Office Box 99
Palm Springs, California 92263

RR:CAD:jm--

5205 7



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President Ronald Reagan
White House
Washington, D.C.

February 23, 1982

Dear President Reagan:

On February 4, 1982 a storage container was being retrieved from Mal Weisberg's Medical Analytic Laboratories when the winch broke under the heavy weight of the container. When the workmen unloaded a few boxes in order to lighten the load, a few boxes broke open and spilled their contents---small human arms, legs, and whole bodies. Investigators report that there were more than 500 small human beings crammed into individual containers and cardboard boxes. The odor of the opened boxes was so foul and the sight so grotesque that the workmen were physically overwhelmed. Mel Grussing, district supervisor of Los Angeles County Health Department said, "I've never seen anything like this."

The Los Angeles County coroner and the health Department are conducting an investigation after they carefully removed all contents from the storage container in Wilmington, California. It is our understanding that more than 500 bodies---some dismembered and some intact---were discovered. The coroner's office plans to release at least 31 of the bodies which were very large babies in order that we might provide a burial.

Enclosed with the bodies were extensive records which provided information about the identity of the bodies, names of doctors, and clinics and pathological results. Some of the bodies came from abortion mills in Los Angeles such as Inglewood Hospital and Planned Parenthood while some came from as far away as Missouri. The records also disclosed payment from Medi-Cal and computer print outs of procedures done for doctors. We are asking that all this information be made public once the investigation is completed.

It is doubtful that the district attorney will be able to find any criminal action since, as you know, abortion is legal at anytime during pregnancy under the 1973 United States Supreme Court ruling. As one Los Angeles reported with a testy voice, "I don't see what all the fuss is about. The only problem is that the container was opened." Indeed, if the container had not been opened, the public would not have had to confront the horror of hundreds of mutilated victims of the abortion holocaust. Otherwise, the small bodies would have been incinerated with pathological debris or processed through garbage disposal grinders to become part of the sewage system. No body count. No burials. No lamentation. No vision of the human gore---except for this case.



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Harry Weiss, M.D.
Vista

We are cooperating with several public officials and a Coalition to Bury the Aborted in order to arrange a massive memorial service at a Los Angeles mortuary and cemetery. Until the coroner releases the bodies (we expect sometime in March), we will be unable to set a definite date.

In behalf of the victims and in behalf of our citizens who plead for the restoration of the most fundamental human right, we request your attendance and participation at the Memorial Service for Abortion Victims in Los Angeles.

Sincerely,

Philip B. Dreisbach M.D.
Philip B. Dreisbach, M.D.
Secretary

PBD:jd

words are inadequate
to express the horror and
the shock of the situation
you described. ~~and that~~

The less ~~we~~ libel ~~saint~~
it is to be memorial service
~~we~~ is most fitting to honor
these dead and it must also
~~will~~ strengthen our
resolve to end this national
tragedy. ~~we~~ can do ~~less~~
~~as well work to redress~~
The martyrs have been too many.
Our efforts must not cease.

#2

Daily Breeze Torrance California

Sun., Feb. 7, 1982 A10

Officials continue removing fetuses from shipping box

Los Angeles County investigators Saturday continued removing hundreds of human fetuses from a Wilmington shipping container and transferring them to the Coroner's Office to determine if they had been aborted legally.

"I can't say there is a violation of the law... until they get through with the investigation," said Al Albergate, spokesman for county District Attorney John K. Van de Kamp.

The fetuses, as many as 500 of them, are being removed for further analysis by the Coroner's Office to determine whether they had been older than 20 weeks, the time limit for legal abortions.

"It's a grueling operation out here," said John W. Finken, a senior coroner's investigator, as workers sorted through the 20-foot-long metal container at Martin Container Service Inc. at 1531 N. Blinn St. in Wilmington.

The Los Angeles Fire Department was called in Saturday afternoon because the fumes from the formaldehyde in which the fetuses were packed were overwhelming, Fire Department spokesman Steve Ventura said.

Workers from the Coroner's Office, the Department of Health Services and District Attorney's Office sorted through as many as 500 fetuses, which were packed in individual plastic containers and cardboard boxes and jammed into the container.

The contents were discovered Thursday when a worker became suspicious of the foul odor emanating from the container.

The container had been repossessed from Medical Analytic Laboratories in Santa Monica, a defunct clinic that reportedly was owned by Mel Weisberg of Woodland Hills. The clinic closed last May or June.

"I think there are several things that are being attempted that have to be clarified," said health department official Ralph Lopez. "The most immediate is to inventory and assess what's actually in there."

The sorting-out process was unsettling to many.

"I've never seen a container like this," said Mel Grussing, district supervisor of the health facilities division of the health department.

Amtrak train strikes car; 5 people die

COMMERCIAL AP — An Amtrak train had driven around to the tracks near Los Angeles

recognition.

Klugman said the train passengers and six crew members were all killed.

SA
123

DRAFT/Date 15 April 1982

RR/ EJL / /
(Drafter) (Rev. I) (Rev.II)

SPECIAL INSTRUCTIONS:

Enclosures:

Other:

Dear Dr. Dreisbach:

Words cannot adequately express the shock and horror that we feel

when we are suddenly confronted by the ugly consequences of the prac-

tice of abortion among us. The evidence recently uncovered in California

is merely an accidental addition to the accounts of babies who survive

saline procedures, the back-alley practices now carried out in legally-

protected clinics, and the recurrent accounts of the psychological

damage inflicted on women, and some medical practitioners, who

face

confront the results of legalized abortion.

I have emphasized that those who oppose this evil in our society must

engage in public education about the full nature of abortion. Hearings,

such as those conducted in the Senate, cause us to consider the legal

humanity of the unborn. Evidence such as that found in California forces

us to confront the inhumanity of the results of what is being done.

I hope that the Congress will act ↑ on some measure to remove this evil

from our society, soon.

With my prayers and best wishes.

Sincerely,

RR

County, state to join in tracing origin of fetuses

By Rex Dalton
Medical writer

County and state agencies will be asked to join forces in investigating the source of hundreds of fetuses in Wilmington, some 30 of which may have been the result of prohibited, late abortions.

The state Board of Medical Quality Assurance and the county grand jury, Health Department and District Attorney's Office will be requested by County Supervisor Mike Antonovich to investigate events leading to the discovery last Thursday of the medical waste in a shipping container.

Antonovich, who oversees the county Health Department, will request the broad investigation at Tuesday's Board of Supervisors meeting.

The grisly discovery was made after employees of Martin Container Service Inc. repossessed the 20-foot-long metal container from the home of a Woodland Hills man who once operated a pathological clinic in Santa Monica.

The container was repossessed Wednesday from the home of Mel Weisberg, who owned the now-defunct Medical Analytic Laboratories Inc. The clinic closed nearly a year ago.

Investigators from the Coroner's Office and the county Department of Health Services working through the weekend culled more than 30 well-developed fetuses from the hundreds in the container.

The fetuses were stored in formaldehyde in plastic jars. Also in the container were various types of medical waste and confidential patient records stacked eight feet high.

Officials of the Coroner's Office say some of the fetuses apparently are larger than 4 pounds, indicating abortions may have been performed on women more

than 24 weeks pregnant — a point at which a fetus can survive outside the womb.

According to the state Penal Code, abortions are not to be performed beyond 20 weeks. However, officials say that law is essentially unenforceable because abortions are frequently performed beyond the 20th week.

The jars holding the fetuses were marked with patient names and, in some cases, the names of the physicians, giving investigators indications of the source of the medical waste.

Records found in the shipping container showed the pathological specimens came from doctors and clinics throughout the state, with some records showing the Santa Monica clinic did testing for facilities as far away as Missouri.

Medi-Cal patients identification records, computer printouts of procedures done for physicians and clinics and records showing pathological results from tests were found in the shipping container.

Authorities also are investigating whether laws requiring storage of medical records have been violated, since some records are required to be safely kept for five years and many of the documents in the container were from 1979 and 1980.

The Coroner's Office has taken possession of the more well-developed fetuses, and health department authorities are guarding the remainder of the waste and records.

Officials of the various agencies met today to review the information they've accumulated to determine if criminal charges are warranted.

At a minimum, there may be misdemeanor violations of the state Health and Safety Code since recognizable human parts are required to be cremated or buried.

a student
ndar which
copies.

hit with calendar of handsome faces

go is men's briefs.
lothes for *Playgirl*

er didn't have

February (Bill Woodward), and Mr. November (Greg Smith), all fellow frat brothers. "You get a bad name. People criticize you."

Neiman-Marcus in Re-
port Beach, rival
Gammas were
bookstores

THE

AMERICAN

HOLocaust

"One of the boxes fell out of the container, spilling its contents on the ground. I stared at a large object but couldn't tell what it was. I called my boss to come over and take a look. All of a sudden we realized with great horror that it was the remains of a human."

DOCTOR AS HEALER

HIPPOCRATIC OATH

I swear by Apollo and Asclepius and Hygieia and my witnesses, that I will fulfill according to my ability and judgment this oath and covenant:

I will neither give a deadly drug to anybody if asked for it, nor will I make a suggestion to this effect. Similarly I will not give a woman an abortive remedy. In purity and holiness I will guard my life and my art.

If I fulfill this oath and do not violate it, may it be granted to me to enjoy life and art, being honored with fame among all men for all time to come; if I transgress it and swear falsely, may the opposite of all this be my lot.

DOCTOR AS KILLER

California Medicine

September 1970, 113, 3

(Editorial)

The process of eroding the old ethic and substituting the new has already begun. It may be seen most clearly in changing attitudes toward human abortion. In defiance of the long held Western ethic of intrinsic and equal value for every human life regardless of its stage, condition or status, abortion is becoming accepted by society as moral, right and even necessary. It is worth noting that this shift in public attitude has affected the churches, the laws and public policy rather than the reverse. Since the old ethic has not yet been fully displaced it has been necessary to separate the idea of abortion from the idea of killing, which continues to be socially abhorrent. The result has been a curious avoidance of the scientific fact which everyone really knows, that human life begins at conception and is continuous whether intra-uterine until death. The very considerable semantic gymnastics which are required to rationalize abortion as anything but taking a human life would be ludicrous if they were not often put forth under socially impeccable auspices. It is suggested that this schizophrenic sort of subterfuge is necessary because while a new ethic is being accepted the old one has not yet been rejected.



WHO IS RESPONSIBLE FOR THE AMERICAN HOLOCAUST IN CALIFORNIA?

BEILENSEN, Anthony—author of 1967 Abortion Act, abortion advocacy leader in Congress, represents Beverly Hills.

BERMAN, Howard—abortion advocacy leader in Sacramento, represents Beverly Hills.

FLEISCHMANN, Norman—former director of LA Planned Parenthood.

WAXMAN, Henry—abortion advocacy leader in Washington, primary advocate for Planned Parenthood, represents Hollywood.

BIRD, Rose—Chief Justice State Supreme Court, coerces unappropriated \$ millions for abortionists.

MYERS, Beverlee—Director of California Health Department, Chairman of Guttmacher Institute, distributes more than \$20 million of state funds to abortionists.

BURTON, Philip—abortion advocacy leader in Congress, represents San Francisco.

BURTON, John—abortion advocacy leader in Congress, represents San Francisco.

BROWN, Edmund "Jerry"—as Governor he budgeted more than \$300 million for abortionists.

ALLRED, Gloria—feminist attorney.

ALLRED, Edward—abortionist who owns 12 abortion centers, made \$12 million in 1980.

SIEROTY, Alan—abortion advocacy leader in Sacramento, Belous, Leon—early abortion pioneer, pushed cases through the courts to overturn parental authority.

GRAHAM, Helen—ZPG Zero Population Growth lobbyist.

CLEVENGER, Norma—Planned Parenthood lobbyist.

NATIONAL COUNCIL OF JEWISH WOMEN—Julia Gertler, LA president.

MARMET, Joseph—Beverly Hills M.D., abortionist charged with 32 counts of Med-Cal fraud.

BALLARD, Charles—directs a large public funded abortion center at Los Angeles University Southern California Medical Center.

BARKE, Morton—abortionist, owner of Inglewood Hospital abortion center, late term abortions.

KRINGS, Thomas—director of Los Angeles Regional Family Planning Council which funnels more than \$10 million of public funds per year to abortion centers.

GOLDSMITH-GREENE, Sadie—abortionist and proponent of late term D and E abortion at University of California, San Francisco Medical Center.

GOLDBERG, Mene—pioneer abortion activist, fugitive from Los Angeles County indictment for illegal abortions.

KARMAN, Harvey—illegal abortion pioneer, abortion entrepreneur.

CASADY, Nancy—lobbyist for California Abortion Rights League.

FEMINIST WOMEN'S HEALTH CENTER—advocates of self-induced abortion, who received over \$1 million for abortions from Office of Family Planning per year.

LEVINE, Mel—abortion advocate in Sacramento, represents Beverly Hills.

ABRAMOVITZ, Irving—deceased, manufacturer of abortion tools and abortion machine.

FRAZIN, Rabbi Lester—primary spokesman for abortion advocates at Sacramento press conference, January 21, 1982.

CUSHNER, Irvin—abortion advocate, UCLA Medical Center.

STATS OF WOMEN COMMISSION—public funded agency that lobbies for abortion.

© Copyright 1982

"The most merciful thing that the large family does to one of its infant members is to kill it."

Founder of Planned Parenthood

Margaret Sanger

CENTER FOR DOCUMENTATION
OF THE AMERICAN HOLOCAUST
Post Office Box 99
Palm Springs, California 92263



THE WHITE HOUSE

WASHINGTON

May 5, 1982

Dear Dr. Dreisbach:

I have received your letter and I want you to know of the great horror and sadness evoked by the incident you described. When all is said and done, being confronted with the reality of abortion and its consequences removes all trace of doubt and hesitation. The terrible irony about this sudden discovery is not that so many human lives were legally aborted, but that they are only a tiny proportion of the 1.5 million unborn children quietly destroyed in our nation each year. This is the truth many would rather not face.

Your decision to hold a memorial service for the children is most fitting and proper. On such an occasion, we must strengthen our resolve to end this national tragedy. I am hopeful that evidence like that found in California will move those who have thus far preferred silence or inaction and encourage them to agree that something must be done. I have expressed my anticipation that Congress will act expeditiously on this matter and approve a measure which will remove this evil, and all its vestiges, from our society.

Thank you for writing, and may God bless you in your efforts.

Sincerely,

Ronald Reagan

Philip B. Dreisbach, M.D.
Secretary
California Pro Life Medical Association
Post Office Box 99
Palm Springs, California 92263

m (1 lb. 5 oz.), age

"dramatic changes in technology and culture make it possible to ensure that every child is a wanted child."

California Office of Family Planning

"It is not too early for our profession to examine this new article for death control and death selection and prepare to apply it." (1970)
- Michael White, M.D., California Medical Association.



Whose mortality was imposed on this individual?

BABY BOY, Coroner's case #82-1901-42 weight of fragments 420 gm (15 oz.), 4.1 cm (1 5/8 in.) foot length, cause of death: total dismemberment by Dr. Gordon Goei.



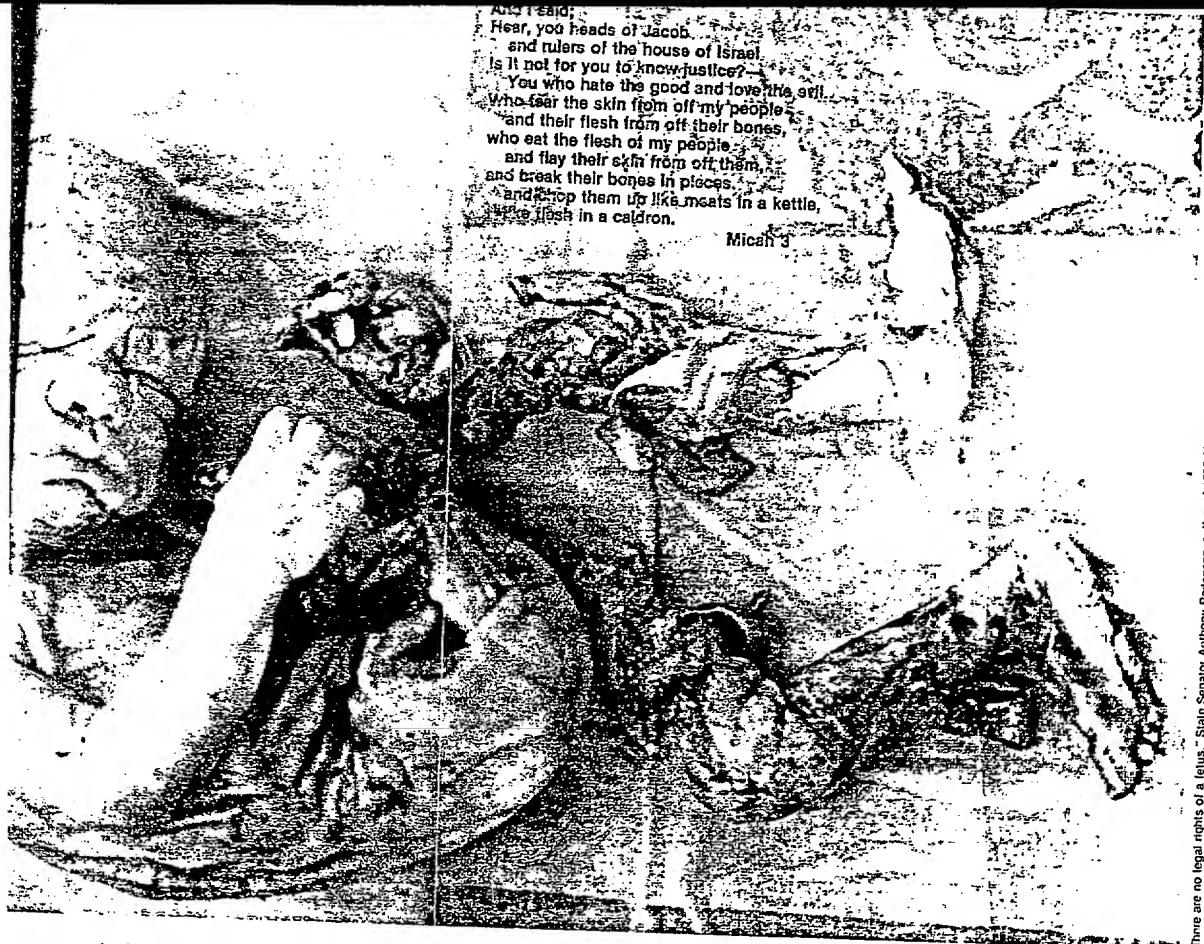
Mother medicine calls this individual POC — product of conception.

BABY BOY, Coroner's case #82-1901-4, weight after abortion 480 gm (1 lb. 1 oz.), age 22-27 weeks, cause of death—massive hemorrhaging. Note severed hand in lower left corner.

"The fundamental right at issue is the right to private procreative choice . . ." Rose Bird, California Supreme Court, Chief Justice, arguing for public funded abortion.

"Dramatic changes in technology and culture make it possible to ensure that every child is a wanted child." California Office of Family Planning.

and
ion.



And I said:
Hear, you heads of Jacob,
and rulers of the house of Israel!
Is it not for you to know justice?
You who hate the good and love the evil,
who tear the skin from off my people
and their flesh from off their bones,
who eat the flesh of my people,
and flay their skin from off them,
and break their bones in pieces,
and drop them up like meat in a kettle,
like flesh in a caldron.

Micah 3

unnamed, Coroner's case #82-1901-1, weight after abortion 900 gm (2 lbs.), age 27-29 weeks,
ith: dismemberment by Dr. Scott Ricke (now doing business in Arizona).

*There are no legal rights of a fetus. State Senator Anthony Boisensean, author of 1967 Abortion Act, made a U.S. Congressman in 1981.



THE WHITE HOUSE

WASHINGTON

May 5, 1982

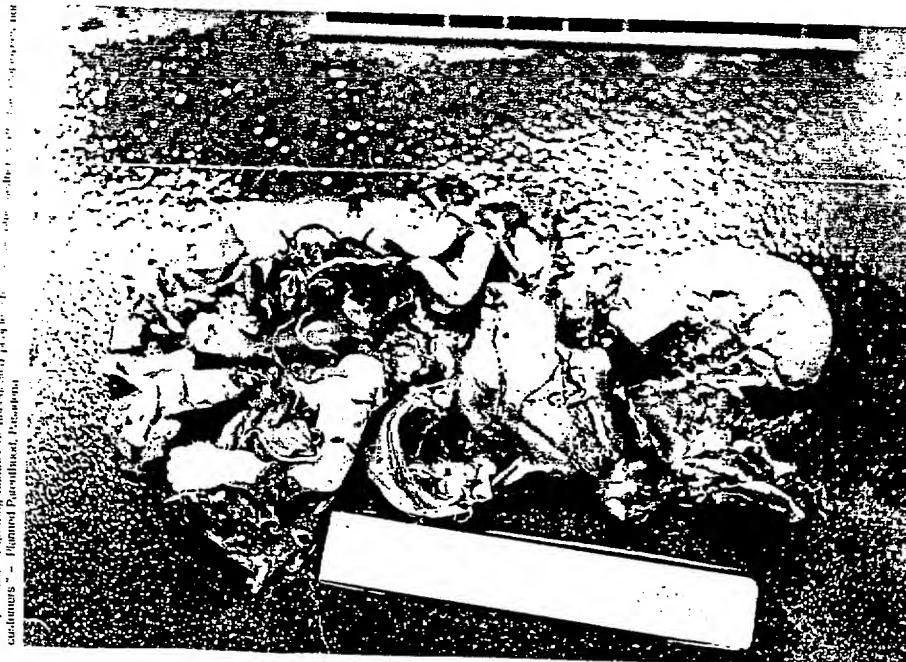
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The poor are "a growing number of uneducated people who can become neither worthwhile employees nor customers. — Planned Parenthood, Pasadena.

BABY BOOM
of death



BABY BOY, weight after abortion (320 gm — fragments only), age 20-22 weeks, cause of death — total dismemberment by Dr. Gordon Goei.



BABY GIRL, Coroner's case #82-1901-2, weight after abortion 825 gm (1 lb. 13 oz.), age 25-26 weeks, cause of death — salt poisoned by Dr. Gordon Goei.

"Any legislation against the legalized killing of the unborn would pose a serious threat to our Constitutional right to practice our religion." — NCAW, National Council Jewish Women, A. 1981

Population control is too important to be stopped by some right wing profile types. Take the new influx of Hispanic immigrants. I hope I can do something to stem that tide." — Edward Allred, millionaire abortionist

AM although they applied well within the one-year time limit, their applications were mistakenly processed as "late claims."

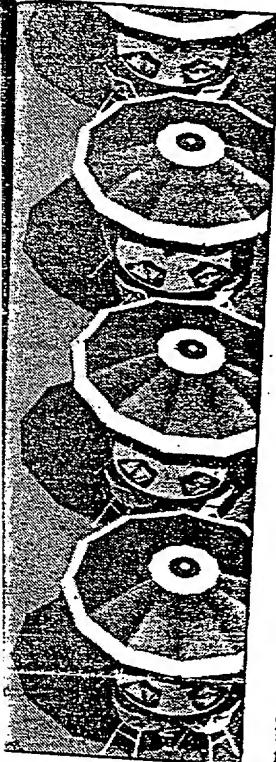
A 33-year-old Venice woman who was severely beaten by a burglar fought for two years to have her medical and psychiatric costs reimbursed. She suffered a broken nose and her neck and spine were severely injured in the attack, which she said caused her to resign from

from the state; an emergency advance was made to offset the wage loss of a parent who suffered a nervous breakdown after learning his child had been molested.

Most of the others have heard nothing or have been notified only that their applications have been received but not acted on.

One family, for example, received a letter early this month from the state

Please see VICTIMS, Page 3



KEN HIBELLY / Los Angeles Times
A inch crunch developed.

Planned for ion Case

Although concurring that there had basis for argument, spirit."

"We are talking about the order . . . (and) tasks" to the children, he added that this did not reflect the situation at the city, which was attended by public and the media." Held two days after he was on bail, was billed as a party for the education members of his family. Letters covering the case which was held after the school where

PARTY TAPE, Page 3



Appeal Court Bars Disputed Plan to Bury 16,000 Fetuses

By GENE BLAKE, Times Staff Writer

More than 16,000 fetuses stored by Los Angeles County since they were found in a repossessed shipping bin in 1982 cannot be given burial as human remains, the state Court of Appeal has ruled.

The decision was hailed by feminist activists who defend the free choice of abortions but was decried by anti-abortion groups that wanted to bury the fetuses with funeral services.

For the court to permit burial would show a state preference for a belief not universally held and would be inappropriate, the court said in an opinion filed late Friday and made public Monday.

Ruling Reversed

The decision reversed a ruling by Los Angeles Superior Court Judge Eli Chernow, who authorized burial of the fetuses in December, 1982. However, the fetuses have remained stored while the case has been appealed.

Carol Downer, director of the Los Angeles Feminist Women's Health Center, which appealed Chernow's ruling with the help of American Civil Liberties Union lawyers, said she was thrilled by the appellate court ruling.

"I'm very relieved that the courts are seeing this in the way we do, which is that it's entirely inappropriate for the religious forces to enter into this situation," Downer said.

"Every week we have abortion clinics. Every week we take the tissue cups or fetuses to our local crematorium and they are cremated. We don't see any reason why those fetuses would have been treated any differently."

Decision Denounced

However, the decision was denounced by Janet Dreisbach of Palm Springs, representing the Center for Documenting the American Holocaust, research arm of the California Pro-Life Medical Assn.

"I'm convinced we'll have to go as far as the U.S. Supreme Court with this," Dreisbach said. "These are human remains. For the courts to come down and say that even in death these living human entities that are now dead can be treated as trash is absolutely contrary to the kind of progress we'd like to make in civil rights."

Attorney Paul Freese, president of the local chapter of the Catholic League, described the appellate court decision as "lamentable." The Catholic League had intervened in the case in favor of burying the fetuses.

"The Court of Appeal is misjudging the situation (by

Please see FETUSES, Page 3

On the basis of an earlier study, Nagel declared that "all the pronouncements about the need to return to the conservative 'hard line' to prevent the 'fuzzy-headed' liberals from creating a crime-ridden society are pure hogwash. The conservative states have been hit harder by crime than have the progressive ones." He concluded that "the 'lock 'em up' solution affords us even less protection and at greater cost than the alternatives."

President Reagan says, "Americans are forced to suffer ill effects of crime because so many of our political leaders stick to old, discredited, liberal illusions about crime." Not so. Historian Ysabel Rennie points out that historically there have been recurring cycles of progressively harsher punishment of crime. Ultimately, the severity of the penalties has been relaxed, in recognition that the harsh measures were not providing adequate protection.

England at one point prescribed the death penalty for more than 350 offenses, many of them trivial ones. The number of capital offenses was finally reduced in response to thousands of petitions from shopkeepers, manufacturers and bankers, who urged that "in the interest of public safety, milder punishments should be imposed."

Rennie reminds us that those who disregard the past are condemned to repeat it. "There is nothing more disconcerting," she says, "than the realization that what is being proposed now for the better management of crime and criminals—to get tough, to increase sentences and make them mandatory, and to kill more killers—has been tried over and over again and abandoned as unworkable."

Passing harsh laws is politically popular, and it is emotionally satisfying. But we could never outdo our ancestors in the administration of punitive sanctions, and if they did not succeed with the aid of rack, thumbscrew and whipping post, what makes us imagine that a mandatory fixed sentence will do the trick?

MAYGENE GIARDI
Pasadena

Los Angeles Times

Daily Founded Dec. 4, 1881

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Compensation FETUSES: Court Prohibits Burial

nes and penalties assessed against no taxpayer money is involved. The receives the first \$20 of every and about 22% of the state's master which supports several criminal he victims' restitution fund will \$26 million to \$36 million to spend end against anticipated revenues. The process involves verifying that some victims (a crime report will art is not necessary), that they ce and were not involved in the e, and that they are California

been injured (physically or emotionally) with injury or, until recently, when a family member (or person close relationship) was injured to . Relatives of victims must have the victim for support to be eligible d. family member or person with a

emendous, unanticipated

—Fred Buenrostro,
Director of California's
Victims of Crime Program

The victim is eligible for medical didn't witness the crime if such aid necessary to the successful

and medical expenses must be sources of insurance. Persons so thus have no loss of income, treatment is covered by Medi-Cal, medical expenses, cannot claim m.

member Board of Control, which gks, must approve the staff's induction.

egory remains ineligible; par- ten do not qualify for anything penses. "There is still a gap nited. "There is no help for ck together."

District of Columbia and the followed California's lead in ation programs. Most of them, ns as awareness of the pro- to simplify and streamline gests.

Continued from Page 1
making it a religious issue," Freese said. "We strongly disagree."

Freese said he will ask the court for a rehearing and if that fails, will go to the state Supreme Court and the U.S. Supreme Court if necessary.

The Feminist Women's Health Center had charged that allowing the involvement of anti-abortion groups in this case violated the separation of church and state. The appellate court tended to agree by referring to the Catholic League in its opinion.

"It is clear from the record that the Catholic League is a religious organization which regards a fetus as a human being and abortion as murder," wrote Presiding Justice Arleigh Woods.

"While this specific belief may well cross sectarian lines, it is a belief not universally held. Consequently any state action showing a preference for this belief will be strictly scrutinized and must be invalidated unless it is justified by compelling government interest . . ."

The court noted that the district attorney's office has said it does not intend to commence any criminal prosecution in connection with the fetuses and has no further need of them as evidence.

Fetal remains of abortions performed at public medical facilities are incinerated without ceremony, the court added. There is no compelling state interest to dispose of the fetuses in a private cemetery, it added.

"We perceive that the intended burial ceremony will enlist the prestige and power of the state," Woods wrote. "This is constitutionally forbidden."

Concurring were Justices Robert Kingsley and Eugene McClosky.

The fetuses, preserved in formaldehyde, were found in a repossessed container at the Woodland Hills home of Marvin Weisberg, owner of a defunct pathology laboratory in Santa Monica.

Weisberg had contracts with various physicians, clinics and hospitals that provided for pathology reports on embryonic and fetal tissues sent to him. The court noted that while he stored the tissue properly, he did not dispose of it, apparently due to financial difficulties.

The case became a *cause célèbre*. Several politicians urged a "decent burial" of the fetuses, and even President Reagan wrote the California Pro-Life Medical Assn., congratulating it on its decision "to hold a memorial service for these children."

Visits, Recreation Halted At Prison

WALPOLE, Mass. (AP)—Visitors were barred and work and recreation programs were canceled at Massachusetts' only maximum security prison Monday after officials used dogs and tear gas to quell a rampage by 400 inmates. Officials did not know what caused the incident Sunday night, during which prisoners set fires and broke furniture.

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Exploitation of Crime Issue

It is regrettable that President Reagan is using crime as a campaign issue (Times, June 27). "Reagan Blasts Liberal Crime Views." Crime is too serious a problem to continue to be exploited for political advantage.

The President blames "liberalism" and "pseudo-intellectuals" for the rise in crime during the 1960s and 1970s." Not so. William G. Nagel, former prison warden, is a leading advocate of a moratorium on prison construction until alternatives to incarceration have been fully developed. When prison overcrowding began to build up, Nagel decided to rethink his moratorium position to see if he had been mistaken.

On the basis of an exhaustive study, Nagel declared that "all the pronouncements about the need to return to the conservative 'hard line' to prevent the 'fuzzy-headed' liberals from creating a crime-ridden society are pure hogwash. The conservative states have been hit harder by crime than have the progressive ones." He concluded that "the 'lock 'em up' solution affords us even less protection and at greater cost than the alternatives."

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